

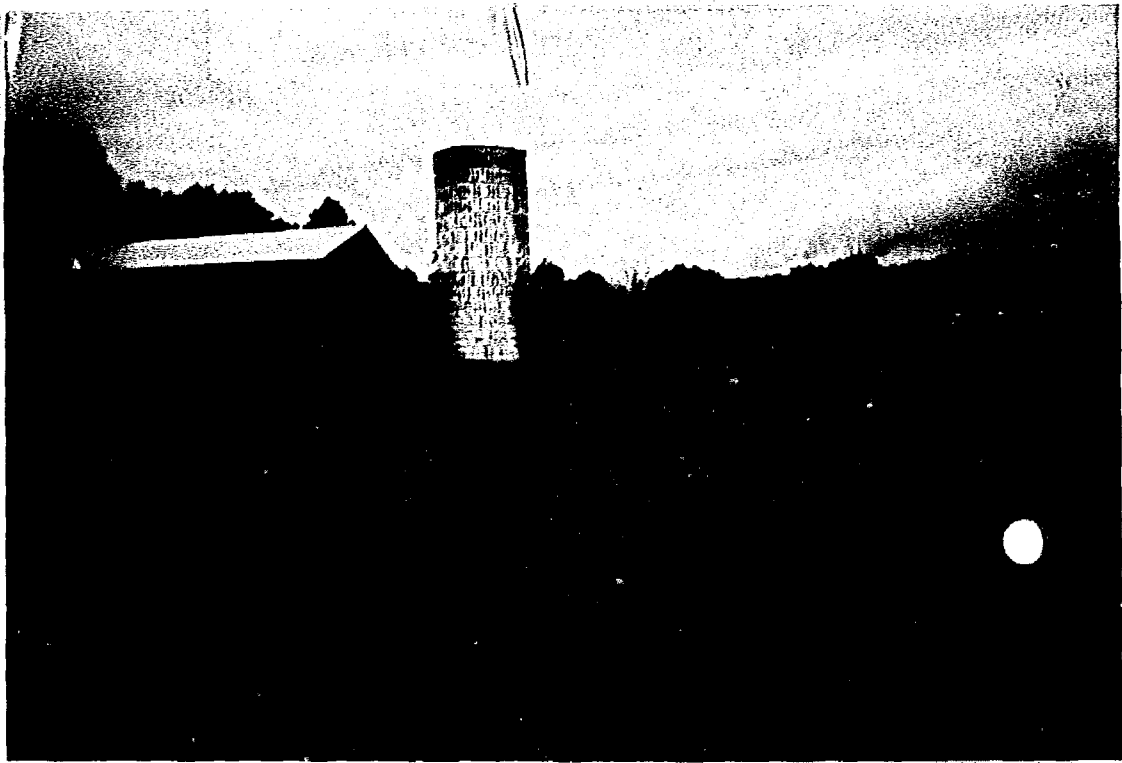
**ZB# 07-52**

**Joann Mangiaracina**

**56-1-56**

07-52 Joann Maniakacina 18  
122 Toleman Rd. 56-1-56

ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12553  
Granted 10-22-07



NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 56-1-56

In the Matter of the Application of

JOANN MANGIARACINA

MEMORANDUM OF  
DECISION GRANTING

AREA

CASE #07-52

WHEREAS, JoAnn Mangiaracina, along with Charles Brown, P.E. of Taconic Design represented the , owner(s) of 156 Toleman Road, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for :

REQUIRED SIDE YARD - SILO

40 ft.            2.3 ft            37.7 ft.

REQUIRED SIDE YARD - BARN

40 ft.            24.3 ft.            15.7 ft.

for existing Barn and Silo at 122 Toleman Road in an R-3 Zone (56-1-56)

WHEREAS, a public hearing was held on October 22, 2007 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Official Town Newspaper, also as required by law.
2. The Evidence presented by the Applicant showed that:

- (a) The property is a residential property located in a neighborhood of residential properties in an R-3 zone.
- (b) This application is made in connection with a four-lot subdivision of a 32 acre parcel. There are an existing barn and silo which are taller than what is permitted for accessory structures and would also have to be moved in order to meet sideline requirements. The applicant seeks the variance rather than remove these items because these items maintain the "rural nature of the area".
- (c) No trees or substantial vegetation will be affected if the barn and silo are allowed to remain.
- (d) The barn and silo are not on top of, nor do they interfere with, any easements, including, but not limited to, water, sewer and electrical easements.\
- (e) The applicant testifies that she will not use the silo but it is to be maintained to preserve their visual appearance.
- (f) The barn is used for storage only but, its appearance is to be maintained.

**WHEREAS,** The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law

and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance(s).

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a Request for :

**REQUIRED SIDE YARD - SILO**

40 ft. 2.3 ft 37.7 ft.

**REQUIRED SIDE YARD - BARN**

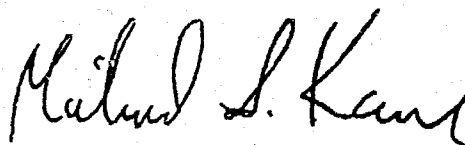
40 ft. 24.3 ft. 15.7 ft.

for existing Barn and Silo at 122 Toleman Road in an R-3 Zone (56-1-56) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: October 22, 2007



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Chairman

**OFFICE OF THE PLANNING BOARD  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NY**

**NOTICE OF DISAPPROVAL OF PLANNING BOARD APPLICATION**

PLANNING BOARD FILE NUMBER: 05-17

DATE: 7-20-07

APPLICANT:

**Joan Mangiaracina  
156 Toleman Road  
Washingtonville, NY 10992**

PLEASE TAKE NOTICE THAT YOUR APPLICATION:

DATED: 9-1-04

FOR: SUBDIVISION

LOCATED AT: Toleman Road

ZONE: R-3

DESCRIPTION OF EXISTING SITE: SEC: 56 BLOCK: 1 LOT: 56

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

**Barn and Silo on Proposed Lot #4 exceed height for accessory building (15 ft) as referenced in Sect 300-11 and therefore must meet side yard setback of 40 ft. Variance of 32.7 ft. required for silo, and 15.7 ft. required for barn.**

TOWN OF NEW WINDSOR CODE: Bulk Tables – Section 300-8

*Mark J. Edsall, P.E., P.P.*  
Mark J. Edsall, P.E., P.P.  
Engineer for the Planning Board

**NOTICE OF DISAPPROVAL OF PLANNING BOARD APPLICATION - Continued**

**REQUIREMENTS**

P.B. # **05-17**

ZONE: **R-3**

USE:     

**LOT #4**

	REQUIRED	PROPOSED	VARIANCE REQUESTED
MIN. LOT AREA (Gross)			
MIN. LOT AREA (Net)			
MIN. LOT WIDTH			
REQUIRED FRONT YARD			
<b>REQUIRED SIDE YARD - SILO</b>	40 ft.	2.3 ft	37.7 ft.
<b>REQUIRED SIDE YARD - BARN</b>	40 ft.	24.3 ft.	15.7 ft.
REQUIRED REAR YARD			
REQUIRED FRONTAGE			
MAX. BLDG. HT.			
FLOOR AREA RATIO			
MIN. LIVABLE AREA			
DEVELOPMENTAL COVERAGE			
O/S PARKING SPACES			

**PLEASE COMPLETE THE ENCLOSED ZONING BOARD APPLICATION AND RETURN TO THE ZONING BOARD SECRETARY AS INSTRUCTED IN THE APPLICATION PACKAGE. YOU WILL THEN BE PLACED ON THE NEXT AVAILABLE AGENDA FOR THE ZONING BOARD OF APPEALS.**

**CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE**



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
OFFICE  
845-563-4615**

**MEMORANDUM**

**TO: JACK FINNEGAN, COMPTROLLER**  
**FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD**  
**DATE: 12-28-07**  
**SUBJECT: ESCROW REFUND**

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 163.18 TO CLOSE OUT  
ESCROW FOR:**

**ZBA FILE #07-52**

**NAME & ADDRESS:**

**Joann Mangiarcina  
156 Toleman Road  
Washingtonville, NY 10992**

**THANK YOU,**

**MYRA**

**J.F.12-28-07**



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
RECORD OF CHARGES & PAYMENTS**



FILE #07-52      TYPE: AREA      TELEPHONE: 496-7126

**APPLICANT:**

Joann Mangiarcina  
156 Toleman Road  
Washingtonville, NY 10992

RESIDENTIAL:	\$ 50.00	CHECK # <u>794</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW:      RESIDENTIAL \$300.00      CHECK # 795



<u>DISBURSEMENTS:</u>		<u>MINUTES</u> <u>\$7.00 / PAGE</u>	<u>ATTORNEY</u> <u>FEE</u>
-----------------------	--	--	-------------------------------

PRELIMINARY:	<u>4</u>	PAGES	\$ <u>28.00</u>	\$ <u>35.00</u>
2 <sup>ND</sup> PRELIMINARY:	—	PAGES	\$ _____	\$ _____
PUBLIC HEARING:	<u>3</u>	PAGES	\$ <u>21.00</u>	\$ <u>35.00</u>
PUBLIC HEARING:	—	PAGES	\$ _____	\$ _____

LEGAL AD: Publish Date: 10-12-07      \$ 17.82

TOTAL:      \$ 66.82      \$ 70.00



ESCROW POSTED:      \$ 300.00  
LESS: DISBURSEMENTS:      \$ 136.82

AMOUNT DUE:      \$ \_\_\_\_\_

REFUND DUE:      \$ 163.18

Cc:

J.F. 12-28-07

October 22, 2007

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JOANN\_MANGIARACINA\_(07-52)

Mr. Charles Brown appeared before the board for this proposal.

MR. KANE: You're on.

MS. LOCEY: Just a detail, the agenda lists the applicant's first name as Joann and the application itself lists it as Joan, I just want to make sure.

MRS. MANGIARACINA: It's Joann.

MS. MASON: Just a typo.

MS. LOCEY: I just didn't want her to have problems later on.

MR. BROWN: I'm Charlie Brown, engineer for the applicant. This is proposed 4 lot subdivision of the 32 acre parcel. As part of that subdivision, an existing barn and silo which are taller than what's required for accessory structures would have to meet side yard setbacks. We would prefer to get a variance for those rather than remove them because they maintain the rural nature of the area.

MR. KANE: And obviously the barn and silo have been existing so there's no worrying about cutting down of trees, vegetation, no water runoffs, there's no easements running through that I can see?

MR. BROWN: That's correct.

MR. KANE: In that particular area?

MR. BROWN: Correct.

MR. KANE: I'm going to cut to the chase here, see if there's anybody in the public for this particular

October 22, 2007

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hearing? We'll close the public portion of the meeting and bring it back to Myra, ask her how many mailings we had.

MS. MASON: On October 9, I mailed out 20 envelopes, 19 from the Town of New Windsor list and one to the Town of Blooming Grove and had no response.

MR. KANE: The silo and the barn are they going to be used or going to just be maintained?

MR. BROWN: Maintained.

MR. KANE: Any further questions from the board?

MR. BABCOCK: If some day the person that owns that lot decides to use the barn and silo there's no issue is there?

MR. KANE: I don't see it as an issue.

MR. BABCOCK: I'd hate to see them locked in.

MR. MANGIARACINA: The barn is used for storage.

MR. KANE: No, I don't think it restricts them from any kind of use, just curiosity.

MR. KRIEGER: It's not a condition so it won't appear as a restriction.

MR. BABCOCK: Okay.

MR. KANE: I'll accept a motion.

MS. LOCEY: I will offer a motion to grant the requested variances on the application of Joann Mangiaracina as detailed on the Zoning Board of Appeals agenda dated October 22, 2007.

October 22, 2007

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MS. GANN: I'll second the motion.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

**PUBLIC HEARING NOTICE**  
**ZONING BOARD OF APPEALS**  
**TOWN OF NEW WINDSOR**  
PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

Appeal No. 07-52  
Request of JOANN MANGIARACINA  
for a VARIANCE of the Zoning Local Law to Permit:  
(As referred by the Planning Board)  
Request for  
REQUIRED SIDE YARD - SILO  
40 ft.  
2.3 ft.  
37.7 ft.  
REQUIRED SIDE YARD - BARN  
40 ft.  
24.3 ft.  
15.7 ft.  
for existing Barn and Silo at 122 Toleman Road in an R-3 Zone (56-1-56)

PUBLIC HEARING will take place on  
OCTOBER 22, 2007  
at the  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York  
beginning at 7:30 PM.  
Michael Kane, Chairman

17.82

State of New York

County of Orange, ss:

Kathleen O'Brien being duly sworn disposes and says that she is the Supervisor of Legal Dept. of the E.W. Smith Publishing Company; Inc., Publisher of The Sentinel, a weekly newspaper published and of general circulation in the Town of New Windsor, Town of Newburgh and City of Newburgh and that the notice of which the annexed is a true copy was published in said newspaper, 1 time (s) commencing on the 12th day of Oct. A.D., 2007 and ending on the 12th day of Oct. A.D. 2007

*Kathleen O'Brien*  
Subscribed and shown to before me this 23<sup>rd</sup> day of Oct., 2007.

*Deborah Green*  
Notary Public of the State of New York  
County of Orange.

DEBORAH GREEN  
Notary Public, State of New York  
Qualified in Orange County  
#4984065  
Commission Expires July 15, 2011

My commission expires \_\_\_\_\_



**AFFIDAVIT OF MAILING**

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR  
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Variance of

JOANN MANGIARACINA

**AFFIDAVIT OF  
SERVICE  
BY MAIL**

#07-52

X

STATE OF NEW YORK )

) SS:

COUNTY OF ORANGE )

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 131 Mt. Airy Road, New Windsor, NY 12553.

That on the 9TH day of OCTOBER, 2007, I compared the 20 (19 FROM LIST AND 1 - TO TOWN OF BLOOMING GROVE) addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason  
Myra L. Mason, Secretary

10<sup>th</sup> day of October, 2007

J. Gallagher  
Notary Public

**JENNIFER GALLAGHER**  
Notary Public, State of New York  
No. 01GA6050024  
Qualified in Orange County  
Commission Expires 10/30/10





# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-3101  
J. Todd Wiley, IAO

## Assessor's Office

September 27, 2007

Joann Mangiarcina  
156 Toleman Road  
Washingtonville, NY 10992

Re: 56-1-56 ZBA#07-52 (19)

Dear Ms. Mangiarcina:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$35.00, minus your deposit of \$25.00.

Please remit the balance of \$10.00 to the Town Clerk's Office.

**Please be advised that the parcel is also within five hundred feet of the Town of Blooming Grove.**

Sincerely,

J. Todd Wiley, IAO  
Sole Assessor

JTW/lrd  
Attachments

CC: Myra Mason, ZBA

56-1-20  
Joseph Rakowiecki  
151 Station Road  
Salisbury Mills, NY 12577

56-1-22.32  
Kenneth Lee  
Kathleen Woroschinski  
101 Station Road  
Salisbury Mills, NY 12577

56-1-25.7  
John Schofield  
173 Toleman Road  
Washingtonville, NY 10992

56-1-26  
Orlo & Ruth Burdick  
Christopher Bailey  
165 Toleman Road  
Washingtonville, NY 10992

56-1-27  
William & Lynn Istone  
159 Toleman Road  
Washingtonville, NY 10992

56-1-28  
Pauline & Louis Allen  
153 Toleman Road  
Washingtonville, NY 10992

56-1-29  
Paul & Diane Meore  
143 Toleman Road  
Washingtonville, NY 10992

56-1-30.12  
Antonio Goncalves  
10 Marie Lane  
Washingtonville, NY 10992

56-1-30.22 & 56-1-31.22  
Norsewood Properties, LTD  
490 Shawanga Lodge Road  
Bloomingburg, NY 12721

56-1-31.12  
Yolanda Rayside  
11 Marie Lane  
Washingtonville, NY 10992

56-1-32  
Suzanne Crochet  
Jeanne Chantal Davy  
115 Toleman Road  
Washingtonville, NY 10992

56-1-33.1 & 56-1-33.2  
Joseph & Maria & John Scognamiglio  
25 Dewhurst Street  
Staten Island, NY 10314

56-1-47.2  
Richard & Laura Derevensky  
184 Toleman Road  
Washingtonville, NY 10992

56-1-48  
Thomas & Trudy Dolson  
180 Toleman Road  
Washingtonville, NY 10992

56-1-49  
Dennis & Kathleen Finnerty  
174 Toleman Road  
Washingtonville, NY 10992

56-1-50  
Brian & Deborah Sullivan  
168 Toleman Road  
Washingtonville, NY 10992

56-1-51.1  
Peter Efinger  
Tarnela Wisniewski  
106 Toleman Road  
Washingtonville, NY 10992

56-1-51.2  
Tina & Raymond Foerst  
114 Toleman Road  
Washingtonville, NY 10992

56-1-57  
Gary & Samantha Mangiaracina  
120 Toleman Road  
Washingtonville, NY 10992

**PUBLIC HEARING NOTICE**  
**ZONING BOARD OF APPEALS**  
**TOWN OF NEW WINDSOR**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

**Appeal No. 07-52**

**Request of JOANN MANGIARACINA**

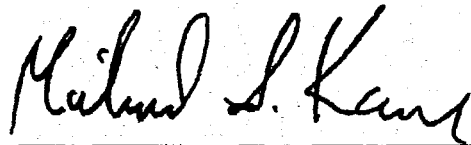
**for a VARIANCE of the Zoning Local Law to Permit:**

**(As referred by the Planning Board) Request for**

<b>REQUIRED SIDE YARD - SILO</b>	40 ft.	2.3 ft	37.7 ft.
<b>REQUIRED SIDE YARD - BARN</b>	40 ft.	24.3 ft.	15.7 ft.

for existing Barn and Silo at 122 Toleman Road in an R-3 Zone **(56-1-56)**

**PUBLIC HEARING will take place on OCTOBER 22, 2007**  
**at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York**  
**beginning at 7:30 P.M.**



**Michael Kane, Chairman**

JOANN\_MANGIARACINA\_(07-52)

---

MR. KANE: This is as referred by the planning board.

MR. LUNDSTROM: I must recuse myself, he's a neighbor of mine.

MR. KANE: I will ask you to sit in the audience.

MR. BROWN: Charles Brown, engineer for the applicant. This is a 4 lot subdivision and as a result of that subdivision an existing barn and silo are within the side yard setback. Because of their height the planning board determined that setbacks should be the full 40 feet so we request a variance based upon that. These lots 1 through 3 all are minimum width so we could not put that property line any further away from those, that barn is over 100 years old and, I mean, the silo is over 100 years old, the barn has been there I guess 10 years. Granting the variances will allow us to leave them there which will preserve the rural character of the property.

MR. KANE: There's an existing dwelling on that particular lot, is that what I'm seeing?

MR. BROWN: Yes.

MR. KANE: That all is proposed to stay there, that's not coming down?

MR. BROWN: Correct.

MS. LOCEY: Where is the existing building?

MR. BROWN: This is the existing building, existing barn and existing silo.

MS. LOCEY: What's that?

MR. BROWN: That's this barn over here.

MR. BABCOCK: Mike, otherwise, the lots all fit?

MR. BABCOCK: Yes.

MR. KANE: With the existing zoning?

MR. BABCOCK: Yes.

MR. BROWN: We have already designed the septic and got the DEC permit for the driveway through the buffer for lot 1 back in here.

MR. KANE: With the minimum frontage there's really no way to steal any footage.

MR. BROWN: Correct.

MS. LOCEY: Does it have any notes or minutes from the planning board as to their discussions on this?

MR. KANE: No, but we can probably see if we can get some of that for the public hearing.

MS. MASON: I can mail them to all the members.

MR. KANE: So we'll have them available for the public hearing.

MR. BROWN: Engineer already signed off on the septic so we're fully engineered, ready to go back to the planning board. The reason we didn't come into the zoning board earlier was because of the DEC requirement for the driveway for lot 1, the house is up here, this is the engineer's drawing, the house up here so we have a driveway through the wetland buffer not through the wetland but through the buffer so this permitting process is tedious and time consuming.

MS. LOCEY: So this is a 4 lot subdivision with residential single family homes?

MR. BROWN: Right.

MS. LOCEY: How large would each lot be, approximately?

MR. BABCOCK: The requirements are 80,000 square feet, this lot 4 that we're dealing with with the barn and silo is 645,000 square feet.

MS. LOCEY: So it's substantially.

MR. BABCOCK: Huge.

MR. BROWN: A good portion of that is wetland and the zoning requires to calculate net area which has to be 60 percent of the gross, in other words, minimum is 48,000 square foot in that area and that lot has over 200,000 so it's five, at least five times what's required.

MR. BABCOCK: It's just good planning to put the lot lines straight, I mean, we can zigzag the lot lines around to make it work, it's not good planning to do that and that's--

MR. KANE: I think we see enough of that.

MR. BROWN: On this I don't think we could because the minimum frontage is required.

MR. BABCOCK: You can go back up and "Y" back out at the frontage, just do this at the frontage.

MR. BROWN: That map gets filed and my name is on it forever.

MR. BABCOCK: I'm just saying that's why you're here, it's just good planning, I'm sure, I don't even know

September 24, 2007

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what the planning board said, do you, Myra?

MS. MASON: They don't usually look at it very closely for the referral.

MR. BROWN: Again, this was before the planning board.

MR. BABCOCK: But this barn and silo don't mean much to the planning board, you know, it's the straight property lines that they like to see, that's why they referred you over to the zoning board, felt it's better to get the variances than change the lot lines.

MR. BROWN: We have been before the planning board several times but this is very well along in this process.

MR. KANE: Any further questions from you guys at this time? Then I'll accept a motion.

MS. LOCEY: I will offer a motion to schedule a public hearing on the application of Joann Mangiaracina as referred by the planning board and as detailed in the agenda of the Zoning Board of Appeals dated September 24, 2007.

MR. TORPEY: Second it.

ROLL CALL

MR. LUNDSTROM	ABSTAIN
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

**Town of New Windsor**  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611

**RECEIPT**  
**#770-2007**

10/02/2007

**Mangiaracina, Joann**

Received \$ 50.00 for Zoning Board Fees, on 10/02/2007. Thank you for  
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

**Deborah Green**  
Town Clerk

ZBA# 07-52



**TOWN OF NEW WINDSOR**  
**ZONING BOARD OF APPEALS**  
**RECEIPT OF ESCROW RECEIVED:**

DATE RECEIVED: 09-18-07

FOR: 07-52 ESCROW

FROM:

Joann Mangiarcina  
156 Toleman Road  
Washingtonville, NY 10992

CHECK FROM:  
SAME

CHECK NUMBER: 795


TELEPHONE: 496-7126

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

J. Funnegan 10-2-07  
NAME DATE

ZBA #07-52 ESCROW

JOANN MANGIARACINA 01/06		795
JACK C MANGIARACINA		
156 TOLEMAN RD		
WASHINGTONVILLE, NY 10992-1244		
(845-496-7126)		
Date <u>9-19-07</u>		29-1310/0213 047
Pay to the Order of <u>The Town of New Windsor</u>	\$ <u>300.00</u>	
<u>Three Hundred</u>	<u>00</u>	
	100 Dollars	
 Citizens Bank		
For <u>Escrow</u>		
<u>Joann Mangiarcina</u>		
⑆021313103⑆ 4002929832⑆ 0795		

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RESULTS OF Z.B.A. MEETING OF: September 24, 2007

PROJECT: Jazz Mengiaracina

ZBA # 07-52  
P.B.#

**P.B.#**

USE VARIANCE:      NEED: EAF      PROXY

LEAD AGENCY: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y N

NEGATIVE DEC: M) S) VOTE: A N

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

APPROVED: M)   S   VOTE: A   N  

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

**ALL VARIANCES - PRELIMINARY APPEARANCE:**

**SCHEDULE PUBLIC HEARING:** M) Lo S) T VOTE: A 4 N 0

GARN	<u>Abstain</u>
LUNDSTROM	<u>A</u>
LOCEY	<u>A</u>
TORPEY	<u>A</u>
KANE	<u>A</u>

CARRIED: Y ✓ N   

**PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES**

**VARIANCE APPROVED:** M)\_\_\_ S)\_\_\_ VOTE: A\_\_\_ N\_\_\_.

**GANN** \_\_\_\_\_  
**LUNDSTROM** \_\_\_\_\_  
**LOCEY** \_\_\_\_\_  
**TORPEY** \_\_\_\_\_  
**KANE** \_\_\_\_\_

**CARRIED: Y N**

e-mail minutes from P.B. meeting to members

September 24, 2007 Agenda.

**TOWN OF NEW WINDSOR**  
**REQUEST FOR NOTIFICATION LIST**

CHECKED BY MYRA: 09-25-07 mm

DATE: 09-25-07 PROJECT NUMBER: ZBA# 07-52 P.B. # \_\_\_\_\_

APPLICANT NAME: JOANN MANGIARACINA

PERSON TO NOTIFY TO PICK UP LIST:

Joann Mangiarcina  
156 Toleman Road  
Washingtonville, NY 10992

TELEPHONE: 496-7126

TAX MAP NUMBER: SEC. 56 BLOCK 1 LOT 56  
SEC. \_\_\_\_\_ BLOCK \_\_\_\_\_ LOT \_\_\_\_\_  
SEC. \_\_\_\_\_ B LOCK \_\_\_\_\_ LOT \_\_\_\_\_

PROPERTY LOCATION: 122 TOLEMAN ROAD  
WASHINGTONVILLE, NY

LIST OF PROPERTY OWNERS WITHIN 500 FT. FOR SITE PLANS/SUBDIVISION \_\_\_\_\_  
(IS NOT PREPARED ON LABELS)

❖ ❖

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: \_\_\_\_\_

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) \_\_\_\_\_

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) \_\_\_\_\_

AGRICULTURAL DISTRICT:  
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'  
OF SITE PLAN OR SUBDIVISION PROJECT) \_\_\_\_\_

❖ ❖

NEW WINDSOR ZONING BOARD XXX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX

❖ ❖

AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 796

TOTAL CHARGES: \_\_\_\_\_



TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS



APPLICATION FOR VARIANCE

9/12/07  
Date

Application Type: Use Variance ☐ Area Variance ☒  
Sign Variance ☐ Interpretation ☐

- I. **Owner Information:** e-mail address: \_\_\_\_\_  
JOANN MANGIARACINA Phone Number: (845) 496-7126  
(Name) Fax Number: (845) 496-9407  
156 TOLEMAN ROAD, WASHINGTONVILLE, NY, 10992  
(Address)
- II. **Applicant:** e-mail address: \_\_\_\_\_  
JOANN MANGIARACINA Phone Number: (845) 496-7126  
(Name) Fax Number: ( )  
156 TOLEMAN ROAD, WASHINGTONVILLE, NY, 10992  
(Address)
- III. **Forwarding Address, if any, for return of escrow:** Phone Number: ( )  
Fax Number: ( )  
(Name) N/A  
(Address)
- IV. **Contractor/Engineer/Architect/Surveyor/:** Phone Number (845) 569-8400  
Fax Number: (845) 569-4583  
(Name)  
TACONIC DESIGN ENGINEERING, PLLC.  
(Address) 3125 ROUTE 9W, SUITE 201, NEW WINDSOR, NY 12553
- V. **Property Information:**  
Zone: R-3 Property Address in Question: 122 TOLEMAN ROAD  
Lot Size: 32.7 ACRES Tax Map Number: Section 56 Block 1 Lot 56  
a. Is pending sale or lease subject to ZBA approval of this Application? NO  
b. When was property purchased by present owner?  
c. Has property been subdivided previously? YES If so, When: 2007  
d. Has an Order to Remedy Violation been issued against the property by the  
Building/Zoning/Fire Inspector? NO

\*\*\*\*PLEASE NOTE.\*\*\*\*\*

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF  
SUBMITTAL.

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

**VIII. AREA VARIANCE: (This information will be on your Building Department Disapproval form you receive)**

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
<input checked="" type="checkbox"/> Reqd. Side Yd.	6' 10"	7.3' SLO, 24.3' BARN	37.7' SLO, 15.7' BARN
Reqd. Rear Yd.			
Reqd. St Front*			
<input checked="" type="checkbox"/> Max. Bldg. Hgt.	15'	37.3' SLO, 17.11' BARN	22.3' SLO, 2.11' BARN
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

\*Residential Districts Only

\*\*Non-Residential Districts Only

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

- IX. \*\*In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

**PLEASE ANSWER EACH OF THE FOLLOWING QUESTIONS SPECIFICALLY:**

1. Whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; NO, THE AREA VARIANCES ARE REQUIRED DUE TO THE SUBDIVISION BEING DESIGNED TO MEET BULK REQUIREMENTS FOR NEW LOTS SET FORTH BY THE TOWN OF NEW WINDSOR.
2. Whether the requested area variance is substantial; NO, SIDE YARD VARIANCES ONLY ARE REQUESTED.
3. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; NO VARIANCES ARE FOR EXISTING OUTBUILDINGS (BARN + SILO). VARIANCE WILL PERMIT PRESERVATION OF RURAL CHARACTER.
4. Whether the alleged difficulty was self-created. NO, BUILDINGS ARE EXISTING.

\*\*After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

THE BARN AND SILO ARE SYMBOLS OF RURAL CHARACTER THAT THIS PROPERTY PROVIDES TO THE COMMUNITY.

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**XII. ADDITIONAL COMMENTS:**

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
- 
- 

**XIII. ATTACHMENTS REQUIRED:**

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ \*\* Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☐ One in the amount of \$ 300.00 or 500.00 (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00 (application fee)
- ☐ One in the amount of \$ 25.00 (Public Hearing List Deposit)
  
- ☐ Photographs of area that variance(s) is/are being requested for showing relationship to property lines (5 or 6) from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

**XIV. AFFIDAVIT.**

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

17<sup>th</sup> day of September 2007.  
*Bernard Keslowitz*

**BERNARD KESLOWITZ**  
Notary Public, State of New York  
No. 41-4514943  
Qualified in Queens County  
Commission Expires July 31, 2010

Signature and Stamp of Notary

*Joan Mangiaracina*  
Owner's Signature (Notarized)  
JOAN MANGIARACINA  
Owner's Name (Please Print)

Applicant's Signature (If not Owner)

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**APPLICANT/OWNER PROXY STATEMENT**  
**(for professional representation)**

for submittal to the:  
TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

JOHN MARGJARRINA, deposes and says that he resides  
(OWNER)  
at 156 TOLEMAN ROAD in the County of ORANGE  
(OWNER'S ADDRESS)  
and State of NEW YORK and that he is the owner of property tax map  
(Sec. 56 Block 4 Lot 56)  
designation number (Sec. 56 Block 4 Lot 56) which is the premises described in  
the foregoing application and that he authorizes:

\_\_\_\_\_  
(Applicant Name & Address, if different from owner)

TACONIC DESIGN ENGINEERING PLLC / CHARLES T. BROWN, 3125 ROUTE 9W, NEW WINDSOR, NY 12553  
(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: \_\_\_\_\_

Sworn to before me this: 17th day of September 2007

BERNARD KESLOWITZ  
Notary Public, State of New York  
No. 41-4514943  
Qualified in Queens County  
Commission Expires July 31, 2010

Bernard Keslowitz  
Signature and Stamp of Notary

\*\*  
John Margjarrina  
Owner's Signature (MUST BE NOTARIZED)

\_\_\_\_\_  
Applicant's Signature (If different than owner)

Calvin  
Representative's Signature

**THIS FORM IS TO BE COMPLETED ONLY IF SOMEONE OTHER THAN THE PROPERTY OWNER WILL BE APPEARING AS REPRESENTATION OF THE OWNER AT THE ZBA MEETINGS.**

**\*\* PLEASE NOTE:  
ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.**



PROJECT I.D. NUMBER

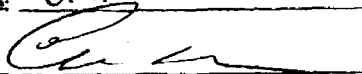
617.21

SEQR

## Appendix C

State Environmental Quality Review  
**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
 For UNLISTED ACTIONS Only

## PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR <b>JOHN MANGIARACINA</b>	2. PROJECT NAME <b>4 LOT SUB. FOR MANGIARACINA</b>
3. PROJECT LOCATION: Municipality <b>NEW WINDSOR</b> County <b>ORANGE</b>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <b>122 TOLEMAN ROAD</b> <b>(S/B/L: 56-1-56)</b>	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <b>4 LOT SUBDIVISION OF 32.7 ACRES. ALL LOTS ARE RESIDENTIAL AND WILL BE SERVICED BY INDIVIDUAL WELLS AND SEPTICS.</b>	
7. AMOUNT OF LAND AFFECTED: Initially <u>0</u> acres Ultimately <u>0</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If No, describe briefly <b>SIDE YARD VARIANCES REQ'D FOR LOT 4 EXISTING OUT BUILDINGS (5110 &amp; BARN)</b>	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <b>CHARLES T. BROWN, P.E.</b>	Date: <b>9/13/07</b>
Signature: 	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

**PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)**

<p>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF.</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.8? If No, a negative declaration may be superseded by another involved agency.</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)</p> <p>C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:</p> <p>C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:</p> <p>C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:</p> <p>C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:</p> <p>C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:</p> <p>C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:</p> <p>C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:</p>	
<p>D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain briefly</p>	

**PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:

---

<i>Name of Lead Agency</i>	
<i>Print or Type Name of Responsible Officer in Lead Agency</i>	<i>Title of Responsible Officer</i>
<i>Signature of Responsible Officer in Lead Agency</i>	<i>Signature of Preparer (If different from responsible officer)</i>
<i>Date</i>	



# TOWN OF NEW WINDSOR

(845) 563-4615 (MYRA MASON)

## ZONING BOARD APPLICATION PACKAGE



PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION (COMPLETE ONLY THE PAGES WITH HIGHLIGHT IN BOX IN LOWER RIGHT CORNER OF EACH PAGE) AND RETURN ONE ORIGINAL AND ONE COPY OF ALL PAPERWORK (unless otherwise specified) TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

**RESIDENTIAL: (Three Separate Checks Please)**

APPLICATION FEE: \$ 50.00  
\*ESCROW: \$300.00  
\*\*DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

**MULTI-FAMILY: (Three Separate Checks Please)**

APPLICATION FEE: \$150.00  
\*ESCROW: \$500.00  
\*\*DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

**COMMERCIAL: (Three Separate Checks Please)**

APPLICATION FEE: \$150.00  
\*ESCROW: \$500.00  
\*\*DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

**INTERPRETATION: (Three Separate Checks Please)**

APPLICATION FEE: \$150.00  
\*ESCROW: \$500.00  
\*\*DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

UPON RECEIPT OF ALL APPLICABLE PAPERWORK AND CHECKS, YOU WILL BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING". YOU DO NOT NEED YOUR PUBLIC HEARING LIST OR ENVELOPES FOR THIS FIRST (PRELIMINARY) MEETING.

\*

### ESCROW

THIS IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, LEGAL ADS, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

\*\*

### LIST OF PROPERTY OWNERS WITHIN 500 FT. RADIUS OF PROPERTY IN QUESTION:

#### APPROXIMATE COST FOR PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES  
IS \$1.00 EA. ADDITIONAL  
NAME

PAGE 1

**COMPLETE ONLY THE PAGES WITH CHECKED BOX IN  
CORNER OF PAGE. PLEASE SUBMIT ONE ORIGINAL AND ONE  
COPY OF ALL PAPERWORK (unless otherwise specified).**

## **PUBLIC HEARING LIST OF PROPERTY OWNERS**

1. UPON RECEIPT OF ALL APPLICABLE CHECKS AND PAPERWORK, YOUR APPLICATION WILL BE PROCESSED AND YOUR \$25.00 DEPOSIT WILL BE SENT TO THE ASSESSOR'S OFFICE TO ORDER YOUR LIST OF PROPERTY OWNERS WITHIN 500 FEET. **(NOTE: YOU DO NOT NEED THIS LIST OR THE ENVELOPES FOR YOUR FIRST (PRELIMINARY) MEETING. Please do not call the Assessor's Office looking for your list – they will contact you when it is ready or if necessary, call Myra at 845-563-4615.**
2. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR PUBLIC HEARING LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THE LIST WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE). BRING ENOUGH ENVELOPES PREPARED WITH YOUR RETURN ADDRESS AND A REGULAR \$.39 STAMP WITH YOU....**YOUR PUBLIC HEARING DATE WILL BE SET AT THIS TIME.**
3. WHEN YOU COME IN TO PICK UP YOUR LIST, ALLOW YOURSELF ENOUGH TIME TO FINISH PREPARING THE MAILINGS HERE AT THE TOWN HALL. YOU WILL BE GIVEN ENOUGH "NOTICES OF PUBLIC HEARING" TO PUT ONE IN EACH ENVELOPE AND SEAL IT. (It may be easier for you if you bring self-sealing envelopes.)
4. **BRING THE COMPLETED ENVELOPES TO THE ZONING BOARD SECRETARY FOR MAILING. BY DOING IT THIS WAY, WE AVOID HAVING TO SEND EACH ENVELOPE "CERTIFIED MAIL" WHICH IS VERY COSTLY.**

NOTE:

THE ZBA MEETS ON THE 2<sup>ND</sup> AND 4<sup>TH</sup> MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.



**SURVEYOR'S CERTIFICATION:**

I HEREBY CERTIFY THAT THE BOUNDARIES SHOWN HEREON RESULTED FROM FIELD SURVEYS OF THE INDICATED PARCELS, THE LATEST OF WHICH WAS COMPLETED ON XXX. IN ACCORDANCE WITH THE CODE OF PRACTICE ADOPTED BY NEW YORK STATE ASSOCIATION OF THE PROFESSIONAL LAND SURVEYORS, INC., AND IS TO THE BEST OF MY KNOWLEDGE AND BELIEF, CORRECT.

SIGNATURE

J.M. ROBERT, PLS  
50 RYERSON ROAD  
NEW HAMPTON, NY 10958

**OWNER'S CONSENT NOTE:**

THE UNDERSIGNED OWNERS OF THE PROPERTY HEREON STATE THAT THEY ARE FAMILIAR WITH THIS PLAN, ITS CONTENTS AND ITS LEGENDS AND HEREBY CONSENT TO ALL SAID TERMS AND CONDITIONS AS STATED HEREON AND TO THE FILING OF THIS PLAN IN THE OFFICE OF THE CLERK OF THE COUNTY OF ORANGE, IF SO REQUIRED.

SIGNATURE

JOAN MANGIARACINA  
156 TOLEMAN RD.  
WASHINGTONVILLE, NY 10992

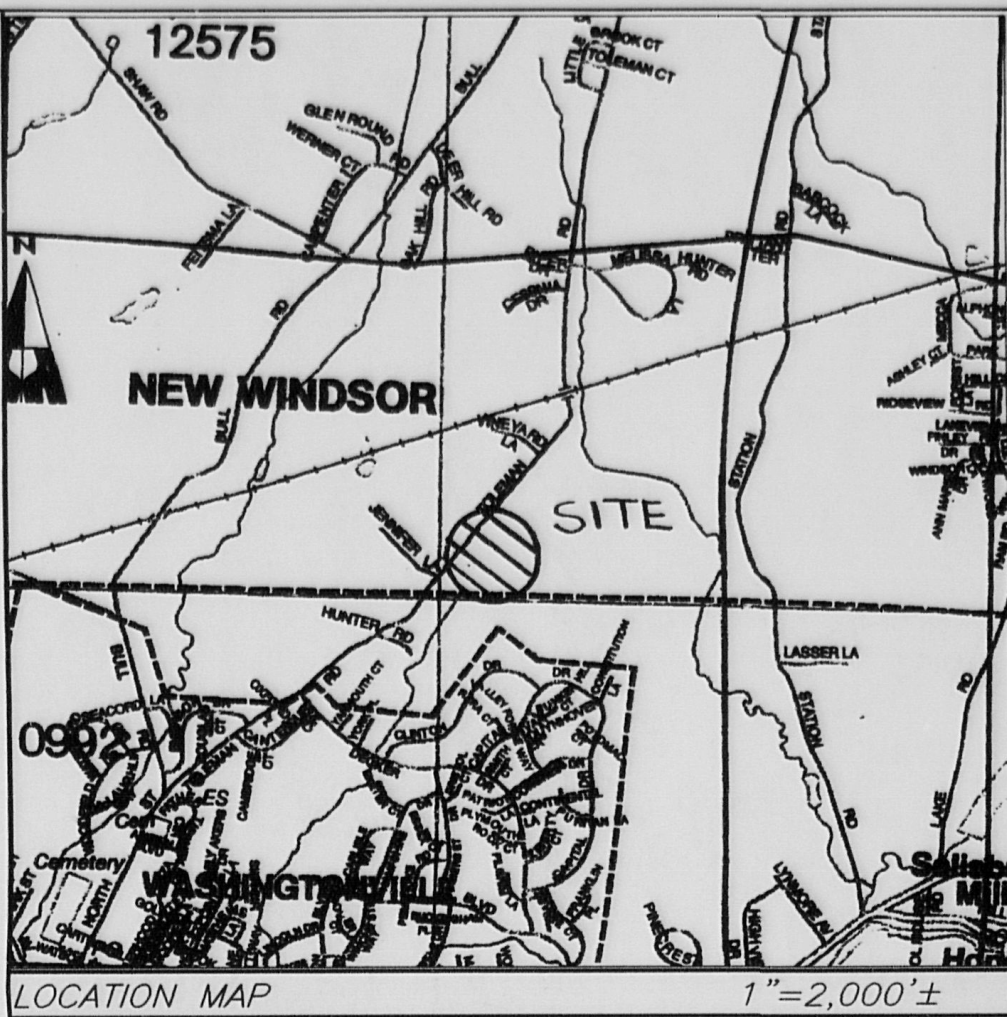
**CERTIFICATION:**

I HEREBY CERTIFY TO THE PARTIES OF INTEREST LISTED BELOW THAT THIS MAP SHOWS THE RESULTS OF AN ACTUAL SURVEY COMPLETED ON 04/12/04.

1. JOANNE MANGIARACINA
2. TOWN OF NEW WINDSOR

**MAP REFERENCES:**

1. "SURVEY & MINOR SUBDIVISION-LANDS OF JACK & JOANNE MANGIARACINA, 122 TOLEMAN ROAD, TOWN OF NEW WINDSOR, NY" DATED AUGUST 11, 1998, FILED IN THE ORANGE COUNTY CLERK'S OFFICE ON DEC. 3, 1998 AS MAP NO. 236-98.
2. AERIAL TOPOGRAPHY PROVIDED BY ROBINSON AERIAL SURVEYS, INC., FLOWN 4/15/96, GROUND CONTROL SURVEY PROVIDED BY JM ROBERT, PLS, COMPLETED 6/10/2002.
3. MAP ENTITLED 2 LOT SUBDIVISION FOR MANGIARACINA FILED IN THE ORANGE COUNTY CLERK'S OFFICE, ON 9/10/03 AS FM# 425-03



**ZONING SCHEDULE**

ZONE: R-3 SUBURBAN RESIDENTIAL

	REQUIRED	LOT# 1 PROVIDED	LOT# 2 PROVIDED	LOT# 3 PROVIDED	LOT# 4 PROVIDED
MINIMUM LOT SIZE					
AREA GROSS	80,000 sf.	558,717 sf.	88,596 sf.	129,349 sf.	645,664 sf.
AREA NET**	48,000 sf.	387,765 sf.	85,587 sf.	128,025 sf.	206,944 sf.
WIDTH	175.0'	175.0'	175.0'	175.0'	184.4'
STREET FRONTAGE	70'	175.0'	175.0'	175.0'	180.8'
MINIMUM BUILDING SETBACKS					
FRONT	45'	92'±	222'±	255'±	289'±
REAR	50'	697'±	178'±	377'±	1126'±
1 SIDE	40'	65'±	52'±	53'±	48'±
BOTH SIDES	80'	430'±	109'±	109'±	175'±
MAXIMUM BUILDING HEIGHT	35'	35' max.	35' max.	35' max.	35' max.
MINIMUM LIVABLE FLOOR AREA	1,200sf	1,200sf min.	1,200sf min.	1,200sf min.	1,200sf min.
DEVELOPMENT COVERAGE	20% MAX	20% MAX	20% MAX	20% MAX	20% MAX
ACCESSORY BUILDING					
SIDE SETBACK	10'	N/A	N/A	N/A	SILLO 7.3'*
REAR SETBACK	10'	N/A	N/A	N/A	BARN 24.3'*
BUILDING HEIGHT	15'	N/A	N/A	N/A	37.3'*

**\* VARIANCE REQUIRED**

\*\* PER SECTION 300-89-B  
LOT AREA (NET) - THE TOTAL HORIZONTAL AREA INCLUDED WITHIN THE PROPERTY LINES OF A LOT (AS CALCULATED BY A PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF NEW YORK), BUT SPECIFICALLY EXCLUDING AREAS OF THE LOT COVERED BY EASEMENTS, RIGHT-OF-WAYS, ENCUMBRANCES, DESIGNATED NEW YORK STATE FRESHWATER WETLANDS (NOT INCLUDING BUFFER AREAS), FEDERAL WETLANDS, OR AREAS OTHERWISE PRECLUDED FROM DEVELOPMENT. FOR ZONING AND SUBDIVISION COMPLIANCE, ALL LOTS SHALL BE REQUIRED TO HAVE A MINIMUM NET LOT AREA WITH A VALUE EQUAL TO OR EXCEEDING 60% OF THE REQUIRED GROSS LOT AREA.

**GENERAL NOTES:**

1. CERTIFICATIONS INDICATED HEREON SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS. SAID CERTIFICATIONS SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED, AND ON HIS BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON, AND TO THE ASSIGNEES OF THE LENDING INSTITUTION. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
2. SUBJECT TO UNDERGROUND UTILITIES AND EASEMENTS NOT RECORDED AND/OR NOT VISIBLE AT THE TIME OF FIELD SURVEY.
3. OFFSETS SHOWN HEREON ARE CORRECTED, HOWEVER, THEY SHOULD NOT BE USED AS A BASIS FOR ERECTION OF FENCES OR OTHER STRUCTURES.

**LOT INFORMATION**

TAX MAP # 56-1-56  
LOT SIZE 32.65± ACRES  
SCHOOL DISTRICT WASHINGTONVILLE  
**OWNER & APPLICANT**  
JOAN MANGIARACINA  
156 TOLEMAN RD.  
WASHINGTONVILLE, NY 10992

**PLANNING BOARD**  
P.B. APP. NO. 03-17

REPRODUCTIONS OF THIS MAP ARE VALID ONLY IF THEY BEAR THE IMPRESSION SEAL OF THE PROFESSIONAL WHOSE SIGNATURE APPEARS HEREON.

UNAUTHORIZED ALTERATION OR ADDITIONS TO THIS SURVEY MAP IS A VIOLATION OF SECTION 7209(2) OF THE NEW YORK STATE EDUCATION LAW

THIS SHEET IS INVALID AND VOID UNLESS ACCOMPANIED BY REMAINING SHEETS IN SET.

**TACONIC DESIGN CONSULTANTS**

SUITE 201  
3125 ROUTE 9W  
NEW WINDSOR, N.Y. 12553  
(845)-569-8400  
(FAX)(845)-569-4583

**CHARLES T. BROWN, P.E.**  
**WILLIAM J. MOREAU, P.E.**

P.O. BOX 4470  
NEW WINDSOR, N.Y. 12553  
(845)-561-2582

**SURVEY SHEET**

**4 LOT SUBDIVISION SKETCH PLAN FOR:**  
**MANGIARACINA**

**122 TOLEMAN ROAD (S/B/L: 56-1-56)**  
**TOWN OF NEW WINDSOR, ORANGE COUNTY, NY**

DATE 06/17/04 SCALE 1"=100' JOB NUMBER 04066-MGA SHEET NUMBER 1 OF 7



**J.M. ROBERT, PLS**

PROFESSIONAL LAND SURVEYOR  
50 RYERSON ROAD  
NEW HAMPTON, NY 10958  
(845) 374-2721 TELE & FAX

REVISIONS				REVISIONS			
REV.	DATE	BY	DESCRIPTION	REV.	DATE	BY	DESCRIPTION
6	06/14/06	T.D.C.	ADDED EXISTING SEPTIC ON LOT # 4	6	06/14/06	T.D.C.	ADDED EXISTING SEPTIC ON LOT # 4
5	04/25/06	K.R.M.	PER TOWN ENGINEERS COMMENTS	5	04/25/06	K.R.M.	PER TOWN ENGINEERS COMMENTS
4	04/05/06	J.J.C.	DIMENSIONED TO ACCESSORY STRUCTURE	4	04/05/06	J.J.C.	DIMENSIONED TO ACCESSORY STRUCTURE
3	02/02/06	J.J.C.	PER TOWN ENGINEERS COMMENTS	3	02/02/06	J.J.C.	PER TOWN ENGINEERS COMMENTS
2	07/22/05	D.E.S.	REVISED PER WORK SESSION	2	07/22/05	D.E.S.	REVISED PER WORK SESSION
1	07/16/05	J.J.C.	REVISED PER RETESTING FOR S.D.S.'S	1	07/16/05	J.J.C.	REVISED PER RETESTING FOR S.D.S.'S



**LEGEND**

PROPERTY LINE EXISTING  
PROPERTY LINE PROPOSED  
PROPERTY LINE ADJOINING  
AT&T EASEMENT

STATE WETLAND BOUNDARY

FEDERAL WETLAND BOUNDARY

FENCE  
STONE WALL  
WATER  
WELL EXISTING

